

Exhibit A

From: Aundrea K Gulley <agulley@gibbsbruns.com>
Sent: Friday, August 2, 2019 1:35 PM
To: McKenna, Elizabeth; Ho, Derek T.; Wedgworth, Peggy; SERVICE-EXTERNAL-DMS-MDL
Cc: Reynolds Team; Miller, Britt M.
Subject: [EXTERNAL] RE: In Re DMS: Schedule

****EXTERNAL SENDER****

Peggy, Derek, and Liz,

Defendants do not believe that your latest proposal is in the spirit of what we discussed at the meet and confer in Chicago prior to agreement on the current briefing schedule. At that time all of Thanksgiving, Christmas and New Year fell in the response period on the motions. Therefore, we agreed to extra weeks for responses. Now that holiday burden falls on expert discovery. We do not believe that lengthening the relative response period at the expense of expert discovery and MSJ opening briefs and reply periods is reasonable. We also do not believe that a deadline on Saturday between Good Friday and Easter is a necessary or reasonable burden. Defendants have worked hard to compromise in this process in an effort to find common ground, but we are already far afield of what we think is reasonable. However, in the spirit of trying one last time to come to an agreement, subject to the conditions and reservations in our prior correspondence, we propose to accept your shortening of the expert period by one week, moving everything in our last compromise schedule up a week, and splitting that extra week between MSJ responses and replies (and accounting for the fact that Easter now falls in the reply period) as follows. If this is not agreeable, we will seek a status conference with the Court and request a reasonable schedule and the Court's guidance. Our specific changes are shown inline in strikethrough/red to Liz's last column below.

Thank you,
Andi

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From: McKenna, Elizabeth <emckenna@milberg.com>
Sent: Tuesday, July 30, 2019 10:17 AM
To: Aundrea K Gulley <agulley@gibbsbruns.com>; Ho, Derek T. <dho@kelloggghansen.com>; Wedgworth, Peggy <pwedgworth@milberg.com>; SERVICE-EXTERNAL-DMS-MDL <SERVICE-EXTERNAL-DMS-MDL@lists.kelloggghansen.com>
Cc: Reynolds Team <ReynoldsTeam@gibbsbruns.com>; Miller, Britt M. <BMiller@mayerbrown.com>
Subject: RE: In Re DMS: Schedule

Andi and Britt --

Thanks for your latest proposal on the schedule. Plaintiffs offer the following compromise in response. The end date of the schedule (May 1) remains the same as your latest proposal, but we adjusted some of the briefing timeframes to be more in line with all parties' prior proposals. We are happy to discuss.

	Current Deadline	Defendants' Proposed New Deadline	Plaintiffs' Proposed New Deadline	Defendants' Compromise Proposal (reserving all rights)	Plaintiffs' Compromise Proposal (reserving all rights) **Modified by Ds 8/2/19 (red & strikethrough)
Opening merits expert reports	8/26/19	No change.	No change.	8/26/19 No change.	08/26/19 No change.
Rebuttal merits expert reports	10/25/19	No change.	No change.	10/25/19 No change.	10/25/19 No change.
Reply merits expert reports	11/25/19	No change.	No change.	11/25/19 No change.	11/25/19 No change.
Deadline to complete expert depositions	12/30/19	1/30/20	No change.* [*12/30/19]	1/17/20	01/10/20
Deadline for <i>Daubert</i> Motions	11/04/19	02/27/20	01/20/20	2/14/20	02/07/20
Deadline for Responses in Opposition to any <i>Daubert</i> Motions	12/16/19	04/09/20	03/02/20	3/14/20* [*Note: this was a typo and should have said 3/13/20]	03/13/20 3/11/20
Deadline for Replies in Support of any <i>Daubert</i> Motions	01/21/20	04/30/20	04/06/20	4/2/20	04/03/20
Deadline for Dispositive Motions	11/18/19	03/12/20	01/27/20	2/27/20	02/14/20 2/21/20
Deadline for Responses in Opposition to any Dispositive Motions	01/13/20	05/14/20	03/23/20	4/10/20	04/11/20 (4/10 is Good Friday) 4/8/20
Deadline for Replies in Support of any Dispositive Motions	02/03/20	06/04/20	04/13/20	5/1/20	05/01/20

From: McKenna, Elizabeth <emckenna@milberg.com>

Sent: Tuesday, July 30, 2019 10:17 AM

To: Aundrea K Gulley <agulley@gibbsbruns.com>; Ho, Derek T. <dho@kelloggghansen.com>; Wedgworth, Peggy <pwedgworth@milberg.com>; SERVICE-EXTERNAL-DMS-MDL <SERVICE-EXTERNAL-DMS-MDL@lists.kelloggghansen.com>

Cc: Reynolds Team <ReynoldsTeam@gibbsbruns.com>; Miller, Britt M. <BMiller@mayerbrown.com>

Subject: RE: In Re DMS: Schedule

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Deadline for Replies in Support of any Dispositive Motions	02/03/20	06/04/20	04/13/20	5/1/20	05/01/20

From: Aundrea K Gulley <agulley@gibbsbruns.com>

Sent: Monday, July 29, 2019 9:19 AM

To: Ho, Derek T. <dho@kelloggghansen.com>; Wedgworth, Peggy <pwedgworth@milberg.com>; SERVICE-EXTERNAL-DMS-MDL <SERVICE-EXTERNAL-DMS-MDL@lists.kelloggghansen.com>

Cc: Reynolds Team <ReynoldsTeam@gibbsbruns.com>; Miller, Britt M. <BMiller@mayerbrown.com>

Subject: [EXTERNAL] RE: In Re DMS: Schedule

[Resending the below with the correct service list address].

From: Aundrea K Gulley <agulley@gibbsbruns.com>

Sent: Monday, July 29, 2019 8:16 AM

To: Ho, Derek T. <dho@kelloggghansen.com>; Wedgworth, Peggy <pwedgworth@milberg.com>; EXTERNAL-DMS-MDL@lists.kelloggghansen.com

Cc: Reynolds Team <ReynoldsTeam@gibbsbruns.com>; Miller, Britt M. <BMiller@mayerbrown.com>

Subject: In Re DMS: Schedule

Derek and Peggy,

Thank you for the productive call last week. Consistent with our discussion, Defendants offer the following compromise scheduling proposal and notes:

- This compromise schedule puts the end date much closer to Plaintiffs' proposal than Defendants'.
- As we discussed, this schedule necessarily comes with the caveat that the parties do not currently know the extent of expert discovery. For example, if plaintiffs serve an excessive number of expert reports (or their experts are unavailable for deposition during the time indicated), this schedule will likely be unworkable and will have to be revisited.
- If Plaintiffs reject this schedule, Defendants reserve all rights to seek their originally proposed schedule (which defendants think is more realistic).
- As we discussed, if the schedule below is agreed, the parties reserve the right (but not the obligation) to take depositions of opening experts between August 26 and October 24 (and similarly reserve the right to take these depositions after reply reports on 11/25 instead). But for the compromise schedule to work, we would expect that some opening experts would be deposed before October 24. Each party reserves all rights with respect to that issue, but all parties agree that if they choose to take an opening expert deposition before 10/24, there is the possibility of a reply-report-related deposition to address reply issues. While defendants do not think this is the most efficient course (i.e., potentially taking depositions of opening experts more than once), we offer this schedule as a compromise:

	Current Deadline	Defendants' Proposed New Deadline	Plaintiffs' Proposed New Deadline	Defendants' Compromise Proposal (reserving all rights)
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Rebuttal merits expert reports	10/25/19	No change.	No change.	10/25/19 No change.
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Deadline for Dispositive Motions	11/18/19	03/12/20	01/27/20	2/27/20
Deadline for Responses in Opposition to any Dispositive Motions	01/13/20	05/14/20	03/23/20	4/10/20
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Thank you,
Andi

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